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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALLIE GREEN,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

CASE NO. 4:22-CV-03930-JSW

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER STAYING ACTION**
AND TERMINATING MOTION TO DISMISS

Judge: Jeffrey S. White
Courtroom: 5

1 Plaintiff Callie Green (“Plaintiff”) and Defendant Abbott Laboratories (“Abbott”), by and
 2 through their respective counsel of record, hereby stipulate as follows:

3 1. WHEREAS, on July 5, 2022, Plaintiff filed her Complaint seeking damages and
 4 injunctive relief based on alleged misrepresentations on certain infant formula products that Abbott
 5 manufactures (ECF No. 1);

6 2. WHEREAS, on August 29, 2022, Abbott filed a Notice of Related Case regarding
 7 an earlier-filed putative class action in *Ramsey-Standage v. Abbott Labs.*, No. 22PH-CV00853
 8 (Phelps County, Missouri);

9 3. WHEREAS, on Thursday, September 22, 2022, the Missouri state court in *Ramsey-*
 10 *Standage* granted preliminary approval to a proposed class action settlement with Abbott covering
 11 a nationwide class of Similac Infant Formula purchasers;

12 4. WHEREAS, on September 26, 2022, the parties filed a Stipulation agreeing that
 13 good cause exists to extend the date of the Case Management Conference, so the parties had
 14 sufficient time to meet and confer regarding the implications of the *Ramsey-Standage* settlement
 15 on this matter (ECF No. 38);

16 5. WHEREAS, on September 27, 2022, the Court approved the Stipulation and
 17 extended the Case Management Conference to November 4, 2022, and ordered the parties to file
 18 a joint statement regarding whether Abbott intends to pursue its motion to dismiss (ECF No. 39);

19 6. WHEREAS, the parties agree that good cause exists to stay this action, because the
 20 outcome of the *Ramsey-Standage* settlement may moot further proceedings on the merits, the cost
 21 of discovery and motion practice absent a stay would be significant, and no party will suffer
 22 prejudice from a stay of this action pending the outcome of the settlement in *Ramsey-Standage*;

23 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, by and between the parties,
 24 through their respective counsel, that the Court should enter the order proposed below and stay
 25 this case pending the outcome of the settlement in *Ramsey-Standage*.

1 Dated: October 10, 2022

Respectfully submitted,

2 LATHAM & WATKINS LLP

3 /s/ Melanie Blunski

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13 Dated: October 10, 2022

Respectfully submitted,

15 /s/ Jack Fitzgerald

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Joint Stipulation and [Proposed] Order Staying Action. Pursuant to Local Rule 5-1(h)(3) regarding signatures, I, Melanie M. Blunschi, attest that concurrence in the filing of this document has been obtained.

DATED: October 10, 2022

/s/ Melanie Blunschi

Melanie M. Blunschi

~~[PROPOSED]~~ ORDER

Having read and considered the Joint Stipulation to Stay Case ("Stipulation"), and for good cause shown, the Stipulation is approved. The Court ORDERS: ~~TERMINATED~~.
Defendants' motion to dismiss is

1. All pre-trial dates and deadlines in this case are VACATED;

2. This action is STAYED for all purposes; and

3. Any Party may file a motion for the stay to be lifted for good cause shown.

4. If the settlement does not moot this matter, Defendants shall advise the Court that a ruling on the motion is required, and the Court will resolve the matter on the papers on file.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 11, 2022


HON. JEFFREY S. WHITE
United States District Court Judge